

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	20 July 2021
<b>Site Location:</b>	48 Brookfield Road Churchdown Gloucester Gloucestershire GL3 2PB
<b>Application No:</b>	21/00500/APP
<b>Ward:</b>	Churchdown Brookfield With Hucclecote
<b>Parish:</b>	Churchdown (Brookfield Ward)
<b>Proposal:</b>	Application for approval of all reserved matters (access, appearance, landscaping, layout and scale) following grant of outline planning application 17/00804/OUT
<b>Report by:</b>	John Hinett
<b>Appendices:</b>	Site location plan Site layout plan Floor plan, elevations, roof plan Landscaping, drainage and levels
<b>Recommendation:</b>	Delegated Approve

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located within the built-up area of Churchdown. The application site comprises the rear garden to No. 48 which is flanked on all sides by the gardens of neighbouring properties. This part of Churchdown comprises a mix of two storey dwellings and bungalows which provide the context for the site.
- 1.2 The current proposal is a Reserved Matters application and seeks to approve the following matters: Layout; Scale; External appearance of the building(s); Landscaping; and Access.
- 1.3 The application proposes a single detached three bed dwelling with an attached garage served off a shared access onto to Brookfield Road.

### 2.0 RELEVANT PLANNING HISTORY

- 2.1 The site has been the subject of a number of previous planning applications.
- 2.2 Outline planning permission (04/01514/OUT) was granted in 2004 for the demolition of existing dwelling and the erection of one dwelling house and one bungalow (to the rear of the new dwelling).
- 2.3 The Outline planning permission was renewed in 2007 (07/01714/OUT), in 2010 (10/01031/OUT) and again in 2013 (13/01114/OUT). The last permission has expired.

- 2.4 Outline application 17/00257/OUT for the erection of 2 detached houses with access from drive serving rear of 42 was refused in June 2017 for the reasons that:
1. *The proposed outline application fails to adequately demonstrate that development of the site with two dwellings would not have a cramped appearance that would represent overdevelopment and which would fail to respect the character of the area and respond to the local context. The proposed development would therefore be harmful to the character and appearance of the area contrary to Policy.*
  2. *The proposed outline application fails to adequately demonstrate that development would not have a detrimental, overbearing impact upon the living conditions of the occupants of neighbouring residential properties by reason of overbearing impact and noise and disturbance, contrary to Policy.*
- 2.5 Outline application 17/00804/OUT for the erection of 1 detached bungalow with access from drive serving rear of 42 was permitted October 2017.
- 2.6 Outline application 19/00780/OUT for the erection of two detached dwellings was refused on the 31<sup>st</sup> January 2020 for the following reason:

*“The proposed development of the site for two dwellings would have a cramped appearance that would represent overdevelopment and would fail to respect the character of the area and respond to the local context. The proposed development would therefore be harmful to the character and appearance of the area contrary to Policies SD4 and SD10 of the Joint Core Strategy, Policy RES5 of the pre-submission Tewkesbury Borough Local Plan 2011 - 2031 and the advice contained within the NPPF.”*

A subsequent Appeal was dismissed,

### ***Other relevant history***

- 2.7 It is relevant that planning application 17/00757/FUL (revised application to 16/01096/FUL) for the erection of a 4 bedroom detached house with integral garage to the rear of no. 42 was permitted in October 2017.
- 2.8 It is also material that outline application 17/01356/OUT for the demolition of 48 Brookfield Road and its replacement with two new dwellings was permitted in December 2018. Access to the rear parking area for plot one of that development would be via the shared access with this current application.

### **3.0 RELEVANT POLICY**

The following planning guidance and policies are relevant to the consideration of this application:

#### **National guidance**

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

#### **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

- Policy SD3: Sustainable Design and Construction

- Policy SD4: Design Requirements
- Policy SD10: Design Requirements
- Policy INF1: Transport Network

#### **Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)**

- RES2 Settlement Boundaries
- RES5 New Housing Development
- DES1 Housing Space Standards

Churchdown and Innsworth Neighbourhood Development Plan (CINDP) 2011-2031

CHIN1: Parking to Support Residential Development

CHIN2: Layout and Appearance Of Residential Development

CHIN14: Pedestrian and Cycle Movement Routes

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property).

#### **4.0 CONSULTATIONS**

**Churchdown Parish Council:** Objection - Members note and support the objections set out in the letter of representation number 1 , submitted 23rd May 2021.

Members request that if permission is granted a condition should be imposed that at no time in the future should the access for the proposed new development be allowed to be used as access for any other development on or adjacent to this site

County Highways Authority: No response.

Environmental Health: No objections.

**Landscape advisor:** Comments on revised plans awaited.

Full copies of all the consultation responses are available online at

<https://publicaccess.tewkesbury.gov.uk/online-applications/>

#### **5.0 PUBLICITY AND REPRESENTATIONS**

Three letters have been received from local residents objecting to the proposal for the following reasons:

- Despite the proposed acoustic fencing, once the bungalow is occupied, the proposed building is too close to the private gardens in Oldbury Orchard, adjoining the boundary.
- The current boundary is a natural hedge, most of which has been removed by the applicant. Replacement of this with a wooden fence is out of keeping with the established area.

- The current garden areas that adjoin properties in Brookfield Road and Oldbury Orchard is a haven for wildlife. A number of established trees have already been recently cut down and hedges have been cut back on the site.
- The access is on a blind bend on Brookfield Road which would cause potential access issues and create additional highways hazards. caused by resident's own vehicles and those of any visitors or tradesmen. A large house and access road have recently been constructed adjacent to this site and therefore two further dwellings requiring access to the site will only add to vehicle activity.
- Brookfield Road is a busy thoroughfare and close to the school. Site visits should be made to take into consideration busy traffic periods e.g. between 8 and 9 am on a school day, 3 pm on a school day, 5-6 pm on any working day to assess traffic volume.
- Our garden floods during wet weather and we are concerned that any building near to this area, including the structural integrity of the proposed acoustic fence, will further reduce areas of natural drainage in the location. No development should commence until a detailed drainage strategy is provided.
- We must accept that outline planning permission has been granted for a bungalow. However, there are concerns about the impact of the proposal on the mature Ash trees along the boundaries with no.s 48, 34 and 32 Brookfield Road.
- Concerned that this application appears to have a larger 'footprint' than the outline permission and the building nearer the southern boundary.
- We understand that no provision has been made on the plans for the protection of these trees. These trees should not be damaged, pruned or felled because of the development.
- Tree protection measures are required to minimise any potential damage during construction of the development.

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## **6.0 POLICY CONTEXT**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3 The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.
- 6.4 Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with

those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

6.5 The relevant policies are set out in the appropriate sections of this report.

## 7.0 ANALYSIS

### Principle of development

- 7.1 The application is a reserved matters application pursuant to 17/00804/OUT and for all matters reserved in the outline consent, those being: : Layout; Scale; External appearance of the building(s); Landscaping; and Access.
- 7.2 A number of conditions were attached to the Outline permission which required details to be submitted at the same time as the reserved matters application. These were:
- 5 - Details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn.
  - 8 - Details of landscaping
  - 10 - A plan indicating the positions, design, materials and type of boundary treatments to be erected.
  - 11 - Details or samples of the external facing materials and hard surfacing proposed to be used.
- 7.3 The principle of housing on the application site is established by virtue of outline planning permission 17/00804/OUT and this application is made before the expiration of the Outline permission (as extended by virtue of Section 93A of the Town and Country Planning Act 1990): that date being the 1<sup>st</sup> May 2021.

### Layout

- 7.4 The NPPF attaches great importance to the design of the built environment. Section 12 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Policy SD4 of the JCS (December 2017) also requires high-quality and well-thought-out design. PSTBP Policy RES5 similarly requires high quality development for new housing development.
- 7.5 Policy CHIN2 of the CINDP requires that proposals for new development should contribute towards the local distinctiveness of Churchdown. They should demonstrate high quality, sustainable and inclusive design and architecture that respects and responds positively to the best examples of the Neighbourhood Area's character. New development is also encouraged to integrate positively received local design features and avoid negatively received local design features.
- 7.6 Outline application 17/00804/OUT reserved all matters for future consideration, although an indicative layout was provided showing a two bedroomed bungalow with a single detached garage served off a single, recently created access onto Brookfield Road that serves a new dwelling to the rear of no. 42 (see layout plan). The submitted 'illustrative layout' was considered to demonstrate that a bungalow and detached garage could be accommodated on the plot without resulting in an overbearing impact on neighbouring properties (**see the outline illustrative layout**).

- 7.7 The current reserved matters application is almost identical to the indicative layout. The proposed bungalow would be sited in the same location, albeit the bungalow would have an attached garage rather than a detached one. The access, parking and manoeuvring area would also be the same (**see illustrative and proposed layouts**). In addition, the proposed dwelling would also have a sizeable front and rear garden.

### **Scale and Appearance**

- 7.8 The proposed bungalow would be of a simple design having a rectangular form with a hipped roof and offset main ridgeline to allow a recess on the principal elevation. Bungalows are commonplace in this part of Churchdown and the design is considered acceptable. The bungalow would have a maximum ridge height of 5.45m (with the lower part being 5.18m) with eaves at 2.85m. The height and scale of the proposed dwelling would therefore not in any way be considered excessive and would be in-line with the outline proposal
- 7.9 The proposed materials would comprise red brick, a composite slate tile (with terracotta ridge tile) and white uPVC windows. Red brick is a common feature in Churchdown and whilst slate tiles are less common, there are a number of examples in the area where they have been used.
- 7.10 Policy DES1 of the emerging Tewkesbury Borough Plan requires all new residential development to meet nationally described space standards as a minimum. New residential development will also be expected to make adequate provision for private outdoor amenity space appropriate to the size and potential occupancy of the dwellings proposed
- 7.11 The proposed bungalow would have an internal floorspace measuring approximately 100sqm (excluding the attached garage). This would exceed the Nationally Described Space Standard for a single storey two bed dwelling and would therefore satisfy condition 8 of the outline permission.
- 7.12 The proposed bungalow is therefore considered acceptable in terms of its scale and appearance.

### **Landscaping**

- 7.13 The application is supported by a landscape plan which sought to replicate the planting proposed on the Outline illustrative plan. Following concerns from the Council's Landscape advisor about the lack of information relating to protecting existing trees and the proposed new planting, an Arboricultural Assessment (AA) and revised landscaping plan has been provided. Local residents have raised similar concerns in their representations.
- 7.14 The AA notes the presence of a row of mature Ash trees along the southern boundary, the branches of which would partly overhang the site. The report therefore suggests that the overhanging branches be pruned back to the boundary to facilitate construction. Tree protection fencing is also suggested during construction and a strict 'no dig construction' be utilised along the proposed path to the south in order to protect the Root Protection Areas of the retained trees. Proposed trees that would have been located over proposed drainage runs have been relocated further into the site.
- 7.15 The revised details are currently being assessed by the Council's Landscape advisor. **An update will be provided at Planning Committee.**

### **Access**

- 7.16 Policy INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. PSTBP Policy TRAC9 requires that developers demonstrate an adequate level of car parking for their proposals.

- 7.17 Residents and the Parish Council have raised concerns about the suitability of the access. Although access was a reserved matter, it was always proposed to utilise the existing access onto Brookfield Road to the south of no. 48. It is material that access has now been substantially up-graded in accordance with the requirements for planning permission 17/01356/OUT for the demolition of the 48 Brookfield Road and the replacement with two new dwellings with access, layout and scale for approval. That permission post-dates the outline permission 17/00804/OUT and the acceptability of the access was assessed on the basis of this current proposal together with the cumulative impact of the approved dwelling to the rear of no. 42. Given that the up-graded access would be shared, the proposal is considered acceptable.

### **Parking**

- 7.18 Policy CHIN1 of the CINDP requires that where possible, new residential developments for 3 bed dwellings should be provided with 2 off-road car parking spaces.
- 7.19 Condition 13 of the Outline consent required that provision be made for a minimum of 2 car parking spaces. The proposed layout demonstrates at least 2 parking spaces can be provided allowing for manoeuvring and turning within the site. The proposal is therefore considered acceptable in this regard.

### **Residential amenity**

- 7.20 Policy SD14 (Health and Environmental Quality) of the JCS states that high-quality development should protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality. Furthermore, new development must:
- i. Cause no unacceptable harm to local amenity including the amenity of neighbouring occupants;
  - ii. Result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively, with respect to relevant national and EU limit values;
- 7.21 Policy RES5 of the emerging Tewkesbury Borough Plan requires, amongst other things, that proposals for new housing development cause no unacceptable harm to the amenity of existing dwellings.
- 7.22 The application site is surrounded on all sides by the rear gardens of residential properties and condition 9 of the outline consent required details of acoustic fencing along the boundaries of numbers 48 and 54 Brookfield Road in order to mitigate the impact of noise from vehicles manoeuvring. Details of acoustic fencing have been submitted with the current application and the Council's Environmental Health team confirm its acceptability.
- 7.23 The proximity of the proposed dwelling to neighbouring boundaries would be very similar to the situation proposed in the illustrative layout of the Outline proposal which was considered to have an acceptable impact on those neighbouring properties. Although the illustrative layout indicated a detached garage (rather than attached), the impact on neighbours would be similar.

### **Drainage and flood risk**

- 7.24 Condition 10 of the Outline permission prevents any development taking place until drainage arrangements for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority.
- 7.25 Whilst some details of drainage have been provided with the current application, full drainage details will be required to be submitted separately to discharge that condition.

## Levels

- 7.26 Outline Condition 5 requires details of existing and proposed ground levels and finished floor levels of the buildings relative to Ordnance Datum Newlyn. The development shall be carried out in accordance with the approved details.
- 7.27 Levels details have been provided which demonstrate finished floor levels would not be significantly raised over existing ground levels and are therefore considered acceptable.

## 8.0 CONCLUSION AND RECOMMENDATION

- 8.1 The proposal is considered to be of an appropriate scale and appearance and accords with the layout and parameters described in the Outline application. Access is considered suitable. The recommendation is therefore for **Delegated Approval subject to confirmation that the revised landscape scheme is acceptable.**

### CONDITIONS:

- 1 The development hereby approved shall be implemented in accordance with the following plans:
- Proposed Landscaping Drainage & Levels - Dwg. CF14 BRC 02h
  - Proposed Elevations and floor plans - Dwg. CF14 BRC 01b
  - Topographical (Level) Survey 26.05.2021
  - [Proposed Levels Supplementary Sheet - Dwg. CF15 BRC 03a](#)
  - Tree Survey Report (V1) – MHP 01.07.2021

Reason: To clarify the terms of the approval.

### INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. To be read in conjunction with outline planning permission 17/00804/OUT.